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June 15, 2015

**VIA ECF AND ELECTRONIC MAIL TO
bernstein.chambers@nysb.uscourts.gov**

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green, Room 723
New York, New York 10004-1408

*Re: Securities Investor Protection Corporation v. Bernard L. Madoff Investment
Securities LLC, 08-01789 (SMB) (Substantively Consolidated)*

Dear Judge Bernstein:

We are counsel to Irving H. Picard, trustee (the “Trustee”) for the substantively consolidated liquidation proceedings of Bernard L. Madoff Investment Securities LLC (“BLMIS”) and the estate of Bernard L. Madoff under the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq. (“SIPA”).

We write to request that the Court docket the Memorandum Decision Regarding Omnibus Motions to Dismiss (the “Decision”), entered June 2, 2015, in the below listed actions. For the reasons set forth below, the Decision applies to the following adversary proceedings:

(i) the Decision is appropriately docketed in *Picard v. Lexington Capital Partners, L.P.*, Adv. Pro. No. 10-04662 pursuant to (1) the letter filed on February 20, 2014, in which the Trustee identifies this action as one with a pending motion to dismiss (*see* Adv. Pro. No. 10-04662, ECF No. 17 at Appendix A); (2) the “Notice of Amended Appendices to Trustee’s Memorandum of Law in Opposition to Defendants’ Motions to Dismiss,” filed on April 8, 2014, in which the Trustee updated the total adversary proceedings subject to and participating in the omnibus briefing process (*see* Adv. Pro. No. 08-01789, ECF No. 6163 at Amended Appendix C).

(ii) the Decision is appropriately docketed in *Picard v. Stanley I. Lehrer, individually, et al.*, Adv. Pro. No. 10-05259 pursuant to (1) the Trustee’s opposition to the Motions to Dismiss filed by defendants represented by Becker & Poliakoff LLP, in

Atlanta Chicago Cincinnati Cleveland Columbus Costa Mesa Denver
Houston Los Angeles New York Orlando Philadelphia Seattle Washington, DC

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which this action is listed as one with a pending motion to dismiss (*see* Adv. Pro. No. 10-05259, ECF No. 82, at Page 59); and (2) the stipulations that were so ordered by this Court and entered June 15, 2015, ECF Nos. 132, 133, as further explained below.

In addition, the Decision is also appropriately docketed in the actions listed below pursuant to stipulations that the Trustee and the Defendants entered, which were so ordered by this Court, whereby the parties agreed to apply the Decision to their respective adversary proceedings. In particular, the Trustee and the Defendants agreed that “Any decision rendered in the Omnibus Proceedings, to the extent it affects the unresolved issues in the Adversary Proceeding, will apply equally to the Adversary Proceeding, and such decision will dispose of the motion to dismiss filed herein” (*see e.g.*, Adv. Pro. No. 10-04478, entered Jan. 22, 2015, ECF No. 31).

APN	Defendant(s)	Stipulation/Order ECF No.
10-04478	<i>Picard v. Estate of Leonard M. Heine Jr.</i>	ECF No. 31
10-04509	<i>Picard v. Susan Helfman</i>	ECF No. 28
10-04592	<i>Picard v. Anthony E. Stefanelli</i>	ECF No. 48
10-04616	<i>Picard v. Nicolette Wernick Nominee Partnership, et al.</i>	ECF No. 70
10-04636	<i>Picard v. Richard J. Helfman Life Insurance Trust DTD 12/30/89, et al.</i>	ECF No. 25
10-04661	<i>Picard v. Krellenstein Family Limited Partnership II of 1999, et al.</i>	ECF No. 39
10-04816	<i>Picard v. Adeline Sherman Revocable Trust as Amended, et al.</i>	ECF No. 26
10-04960	<i>Picard v. Estate of Elizabeth H. Kahn aka Betty Kahn, et al.</i>	ECF No. 44
10-05087	<i>Picard v. Steven J. Lifton</i>	ECF No. 45
10-05255	<i>Picard v. Stefanelli Investors Group, et al.</i>	ECF No. 82
10-05259	<i>Picard v. Stanley I. Lehrer, et al.</i>	ECF Nos. 132, 133

For the reasons set forth above, the Trustee respectfully requests that the Court docket the Decision in the above listed actions. The Trustee has copied counsel in each of the relevant adversary proceedings with this letter.

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The Trustee is available should the Court have any questions.

Respectfully submitted,

/s/ Nicholas J. Cremona

Nicholas J. Cremona

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